



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.997 OF 2024

1. Rajanarayan S/o Ramashah
Aged about 44 years, Occ: Labour,
2. Anjana Devi W/o Rajanarayan
Aged about 38 years, Occ: Household

Both R/o Gram Bagiyapura, Tal. Raun,
Banuapura, Bhind, (M.P.) 477441.

...APPELLANTS
(Orig. Applicant on RA)

...V E R S U S...

The Union of India,
General Manager,
Central Railway, CSTM Mumbai.

...RESPONDENT
(Ori. Respondent on RA)

Shri M.S. Chaudhari, Advocate for appellants.
Ms N.G. Chaubey, Advocate for respondent.

CORAM:- M.W. CHANDWANI, J.
DATED :- 03.10.2025

ORAL JUDGMENT:

1. The appeal questions dismissal of the Claim Application No.OA(IIu)/NGP/11/2023 by the Railway Claims Tribunal, Nagpur Bench, Nagpur (for short "Tribunal") filed by the appellants for compensation on account of the death of deceased Umesh Rajanarayan, who died in a railway accident on 20.07.2022.

2. In the claim petition, it has been claimed that the deceased who is the son of the appellants, was traveling alongwith his uncle from Amalner to Bhusaval when he died by falling from the train after they crossed Jalgaon Railway Station. His uncle got down at Bhusaval Railway Station and went back to the spot of accident. Accordingly, the panchanama was prepared and subsequent formalities were carried out by the Government Railway Police (**GRP**). The appellants claiming to be the dependents of deceased Umesh filed the petition for compensation before the Tribunal. The Tribunal held that the deceased was not a *bonafide* passenger and the appellants have failed to prove that he died in an untoward incident.

3. Having heard the learned counsels for the respective parties and having gone through the impugned award and documents available on record, it appears that the Tribunal rejected the claim on the ground that since no journey ticket was recovered from the deceased, he was not a *bonafide* passenger. Considering the evidence of Mithilesh Kumar Sharma, Guard of Train No.19483 (Down Barauni Express), the Tribunal opined that the appellants failed to prove that deceased Umesh died in an untoward incident.

4. Before proceeding to deal with the controversy raised in this appeal, it will be appropriate to mention here the law with regard to possession of ticket by the deceased and presumption thereto. In the case of ***Union of India Vs. Rina Devi***¹ while dealing with a claim with respect to an untoward incident, the Supreme Court in para 17.4 has opined as under:

“17.4 We thus hold that mere presence of a body on the Railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.”

5. Keeping this principle in mind, the facts of the present case are required to be seen. It is a matter of record that on the day of the incident itself, the statement of Rupendrasingh Vajpayee (AW2) was recorded by the Railway Police Station, Bhusaval. In his statement, he has stated in categorical terms that

¹ AIR 2018 SC 2362

he was proceeding from Amalner to Bhusaval with the deceased and they were possessing a general ticket. There was in a huge crowd in the train and that is why they chose to sit near the door. AW2 came to know from the other passenger that his nephew fell from the running train. This statement was recorded by the Government Railway Police on the very same day; rather, it was recorded first in point of time which is why it has higher probative value. However, the Tribunal without considering this aspect, only on the basis of some minor contradiction, chose to disbelieve the version of Rupendrasingh Arunkumar Vajpayee (AW2). If the evidence of Rupendrasingh Vajpayee is read with his statement recorded by the GRP, it would remove any pale of doubt about the fact that the deceased was traveling by Train No.19483 (Down Barauni Express).

6. Once it is proved that the deceased was traveling by the passenger train, the presumption as held in the case of ***Rina Devi*** (supra) comes into play. Therefore, it has to be held that the deceased was a *bonafide* passenger. Just because the guard of the said train did not record the Alarm Chain Pulling (ACP), it cannot be said that deceased Umesh did not die as a result of falling from the train. The Tribunal did not consider the aspect that the train

was overcrowded and uncle Rupendrasingh Vajpayee (AW2) also came to know the incident later. Consequentially, he got down from the train at Bhusaval station and came back to the spot of incident.

7. In teeth of these facts, the findings recorded by the Tribunal that the deceased did not die in an untoward accident does not stand. Therefore, the order of the Tribunal is required to be set aside. The appellants being dependents of the deceased are entitled to compensation under Section 124-A of the Railways Act. Accordingly, the appeal succeeds.

8. The appeal is allowed in the above terms.

9. The respondent is liable to pay the compensation of ₹8,00,000/- alongwith interest at the rate of 6 per cent per annum from the date of the date of application till its actual realization. The respondent is directed to credit the amount of compensation in the respective accounts of appellant nos.1 and 2 equally, within three months.

With this, the appeal stands disposed of.

JUDGE

Wagh